/276 cont./

794 184 But these diverse characteristics originate at the stage of rustic exchanges between villagers and saints of grounds: and it is at this stage that they may best be analyzed.

Seasonal Rites, Collective Pacts, Individual Contracts

796 Habitat of the sacred: personal or simply communal sanctuaries. Rhythm or phases of the sacred: these periodic renewals marked by agapae, pomp, and sacrifices. Finally, accountancy of the divine: here is a very important third element, perhaps the most striking, and which impresses on the institution a cachet of specific ratiocination and avarice. And although it plunges into collective apprehension and depends narrowly on the recurrence of natural phenomena, it manifests itself under the aspects of individualism and conscience. There is something very remarkable [241] [221] there: the liturgical periodicity, itself linked to the agricultural periodicity, terminates in a contract.

794 212 875 The old jurists from the Sous, who make themselves the echo of quarrels among hamlets for the recompense of the fqih or the repairs on the communal mosque, raised the question of the obligation of the Friday prayer in the case where several hamlets or "bicoques" /shanties/ (in the etymological sense) have together [634] only one mosque, which is not close to any of them. The liaison of this institution with the taqbilt, which is distributed in a plurality of habitat, furnishes an interesting historical suggestion. [312] [423] Another characteristic that one might draw from these jurists is the liaison of the recompense of the fqih to the turns for water, that is, to sum up, to the agnatic order (1).

[465]

1. Ajwiba said to be from "Bennâçer," that is, from the sheik Ibn Nâçir of Tamgrût, ms. zaouia of the Mez'ud'a, p. 54, l. 7 sq. The salary of the fqih is fixed on ayyâm dawlat ʿuyûni-him. The ar. /Arabic/ dawla, "turn," corresponds to the chl. /Shluh/ tawala. But is there derivation?

/327 cont./

695 121 manner of acting in a doctoral and formal style, the very one of an eminent justice.

Two Procedural Forces: The Writing...

212 691 695 The classic Arabic verb istaz'hara, "to produce, to manifest the proofs of a law," is very often employed in the Seksawa archives, apropos landed-property litigations. In spite of its reassuring pedantry, I am not sure that it is not necessary to compare it with the practice that consists of reading the acts that the parties oppose on the spot of the litigation (qerri afel[illegible] "to produce against...," or factitive saghra, saqra, "to have read"). And perhaps even, at a more ancient stage, the act was purely and simply deposited upon the contested land. Hypothesis? The characteristics of efficacity not at all /328/ intellectual and mediate ("elements of proof"), but direct and concrete that the use of these titles offers naturally lead to this sort of hypothesis.

An immense red-tape flora, timidly rising from the end of the fifteenth century, already more fecund in the sixteenth century, subsequently spreads with more and more luxuriance. The Seksawa mountain is a conservatory of charters (1).

1. Cf. Et. in. /unpublished Study/ by B. de La Forcade, "Les actes en pays de coutume /Acts in countries of custom/," CHEAM, applying especially to the region of Igherm.

It happens that these old acts themselves make mention of the days of privation that a chest or leather bottle cost scholars for those salaried on the occasion of a trial. In 1193 Heg.: 1779, the a. Març, on the occasion of litigation, inventoried their acts. Cost: 5 mûzûnas-s in salary to the fqih, who had spent four days of work there! ... In general, the paper is thick and narrow, of heavy grain, and veritable cardboard in certain cases. Difficult decipherment, in view of the incorrectness of the language, both

[175] [465] [794] 212 695

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466 The "touiza" is obligatory with regard to the taleb, the
476 moqaddem, or the amghar; except in the case where a beneficiary is without resources, food is offered to the workers by the one who uses them. Inversely, one sees at present in the same
[651] regions subject to the authority of the Makhzen /makhzan/ the
[177] inhabitants of the village furnish to the kaids a number of days of "touiza" regulated by custom or fixed by the chief himself according to his needs. Each one brings his food and must often also contribute toward the maintenance of the kaid's slaves put in charge of the supervision of the work. This institution, which
[178] was originally a work of mutual aid, has become in this way a
[651] source of abuse, and its name is associated in the complaints of the montagnards with that of the "frida," an extraordinary contribution that a representative of the Sultan, kaid or caliphate, levies as often as he can in Berbère /Berber/ country.

* 634 In the independent fractions, it is exceptional that the /248/
652 "taqbilt" treasury is reconstituted by means of extraordinary taxes
[651] or "frida" paid by each household. One-third of the fines paid
[681] by the guilty, reserved for this purpose, most often suffices, and the Berbères /Berbers/ feel profound repugnance toward paying contributions, with which the "Bled el Makhzen" is overburdened.
735 On the other hand, they acquit themselves willingly, either
794 through the medium of the common treasury or directly, of nu-
431 merous traditional tithes paid to the marabouts and the poor. In the Anti-Atlas, where all transactions and the measuring of har-
• [465] vests are done at the "agadir," the part for the saints of the country and their descendants, the "igourramen," as well as the salary of the minor functionary charged with watching over the harvests or the collective storehouse, are taken on the spot by the official measurer. The Koranic regulation of taxes is in this way observed in spirit, if not in form, but for the exclusive benefit of the local saints and of the zaouias, which are, as has often been said, an integral part of Berbère /Berber/ society.

[171] Likewise among the tribes of the Jbala of the Habt one sees the shorfa /shurfa/ and the poor benefit from the sum total of the legal alms. The montagnards of the north of Morocco "acquit

/272 cont./

*634 681 178 Now it sometimes happens that on the scales of settlement thus established there are substituted for the names of all the notables of the fraction those of three or four important personages, who give their approbation in the name of all. At the same time, the primitive rule of distribution of the fines is perverted. One third is apportioned to the moqaddem, one third to these influential men, who give themselves the title of "ʿayan" (1).

1. Arabic "ʿayân," notables.

[652] one third to the "taqbilt," represented by effaced and starving inflas. With the same stroke the common treasury disappears.

*634 671 178 A decisive step is taken when we see the traditional name of "moqaddem" disappear in the acts to make way for that of a personage henceforth called "the respected amghar So-and-So." Near the name of the amghar are found only those of the notables, the "ʿayan." An additional clause stipulates that the new master [681] of the canton will collect, in addition to a third of the fines, a [651] third of the ʿachour, the Koranic tax that the Berbère /Berber/ [794] republics paid up to then wholly to religious personages or to the [735] poor. Often, even, a measure of barley per household was [465] granted for the benefit of the amghar. Personal power is henceforth established.

*634 661 578 613 726 These beginnings did not exist without requiring long and patient efforts of the new chief. Before taking authority, the amghar has arranged for himself the support of the heads of the most important "ikhs," and by /273/ clever intrigues he has succeeded in setting aside those who were hostile to him or making them disappear. But almost always this internal revolution does not take place without combat. Another notable, equally rich and courageous, opposes the ambitious amghar with all his forces, with his "ikhs"; war breaks out and is waged furiously until the defeated one is killed or banished with all his people; his village falls into ruins and the victorious chief retains power as long as he has the strength to do it and escapes the

/306 cont./
343 village, happened to be at the center of a cirque forming a reso-
712 nator, the guards would hear any suspicious noises; in this case
[625] they would fire a few gunshots and help would arrive from the village; the prowlers would then run away. No one remembers that a theft has been committed in this agadir.

Agadir of Ankoutouf (Figs. 6, 7 and Fig. 14). -- It has 90 chambers, 60 of which are used, and three stories. It is espe-
[621] cially well constructed and maintained. It is the agadir of the
[423] village of Ankoutouf (48 hearths). Each hearth owns one to
[628] three chambers; property deeds attest to these rights. Four
[426] rooms are mortgaged, for a price that goes from 8 to 15 douros, to some natives of Tizza, a village that does not have an agadir.

Each owner has the key to his rooms. The guard, who lives
343 inside the agadir with his family, has the key to the outer gate.
712 He is appointed for a year as a rule and is changed in October;
625 in general /307/ /Figs. 1 and 2 appear here/ /308 is blank/ /309/ /Figs. 3 and 4 appear here/ /310 is blank/ /311/ he
[465] stays longer if people are satisfied with his services. He receives a rba of barley per year and per occupied chamber. In case of
343 theft, the thief, if he is discovered, repays the amount of the
712 theft and pays 50 douros as a fine. The responsibility of the
685 guard is involved only if the theft was committed after breaking
625 open the outer gate -- and in this case it is he who repays the amount of the theft and pays 50 douros as a fine; but if the thief found his way in through a breach made in the wall, the guard is not troubled. The fine is divided among the owners of the rooms. Since no check is made of the quantities stored in the rooms, the victim must, in case of theft, swear along with 24 coswearers in order to certify what has been taken from him.

343 Agadir of Tanout (Fig. 5 and Fig. 15). -- Belongs to the
712 village of Tanout (57 hearths). It contains 70 chambers on two
[621] or three stories. The two borjs /lookout towers/ are empty.

Same interior arrangements and operation as at Ankoutouf.

/311 cont./

343 712 621 423 625 [562] Agadir of Tizzirt (Fig. 19). -- Belongs to the village of Tizzirt (50 hearths). Certain inhabitants own up to five chambers there.

Same arrangements and operation as at Ankoutouf.

The guard is usually a man. As an exception, this job was entrusted to a widow in 1928.

Agadir of Annoums (Fig. 8 and Fig. 20). -- It belongs to the village of Annoums (65 hearths).

[465] [685] [184] Five stories, all 80 chambers occupied; the guard receives a kharrouba of barley per chamber and per year. In case of theft, the custom is the same as for the agadir of Ankoutouf.

Agadir of Tamjlojt (Fig. 21). -- It belongs to the village of Tamjlojt (45 hearths). Sixty rooms, four stories. The guard receives one tmen of barley and one kharrouba of maize per room and per year. As an exception, this post was given to a woman last year. [465] [562]

Agadir of Talmakant (Fig. 16). -- It belongs to the village of Talmakant (40 hearths) and comprises 52 large rooms on two stories. It can serve both as storehouse and as réduit for defense in case of attack, because of its cistern and its interior arrangement. [312]

[682] /312/ It is in ruins in part; it has not been used any more for 25 to 30 years because an assassination was committed there.

Agadir of Assaka (Fig. 17). -- Like the preceding one, it served both as storehouse and as fortress.

[669] It was destroyed in part following internal struggles in 1925, and it is planned to put it back into condition. It serves at present [727] to shelter the numerous exiles who returned to the tribe after the submission and found their houses demolished.

Agadir of Azar (Fig. 18). -- It belongs to the village of Azar (28 hearths).

It normally serves as storehouse and in troubled times as fortress. The rooms are mortgaged for 5 to 20 douros. The guard, changed every year, collects a kharrouba of barley, one kharrouba of maize, and a pound of almonds. [465]

/312 cont./

343 712 685 In case of theft, if the thief is discovered, he must, irrespective of the punitive sanction that is imposed on him by the amghar /leader/ of the fraction, indemnify his victims. If the theft was committed through a hole made in the wall and if the thief is not discovered, the village in the midst of which the agadir is built is held responsible and must indemnify the victims [625] of the theft. If the theft was committed after breaking open the entrance gate, the guard is held responsible, must indemnify the victims of the theft. The latter must bring 24 coswearers in order to certify the quantities that they declare was stolen from them.

343 712 Agadir of Amassa (Figs. 10, 11, 22). -- It belongs to the people of Amassa (80 hearths), contains 80 chambers, 3 of [621] [423] which are on the fifth story, all are utilized; most of the doors [426] are painted and worked. A room is mortgaged for 10 to 50 [432] douros and is sold for up to 100. The guard receives a kharrouba [625] of barley per year and per room, except for three rooms on the [465] fifth story, which pay nothing. In addition, the guard is fed, as the fqih of the mosque is at the present time in Berber country. He is supplied with three meals a day, each owner taking his [685] day in turn. The three rooms on the fifth pay nothing, but in return they have no right to indemnity in case of theft.

[358] Each owner is obliged to make the repairs necessary to maintain his room in good condition. Thus the owner of one /313/ /Figs. 5 and 6 appear here/ /314 is blank/ /315/ /Figs. 7 and 8 appear here/ /316 is blank/ /317/ /Figs. 9 and 10 appear here/ /318 is blank/ /319/ /Figs. 11 and 12 appear here/ /320 is blank/ /321/ chamber may take action against the one of the one below, if it should happen to collapse, or against the one of the room above, if it lets water coming from the terrace [685] leak through. In case of theft, the custom is the same as for [184] the agadir of Ankoutouf.

[621] [423] Agadir of Tajelt Oufella (Fig. 12 and Fig. 23). -- It belongs to the village of Tajelt Oufella (33 hearths). It comprises 60 rooms and four stories.

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343 712 625 [465] The guard is a volunteer who remains as long as he wishes, if the users are satisfied with his services. Every year he is given a half-kharrouba of barley per room, utilized or not; furthermore, he is fed by the owners of the chambers. A turn is established as follows: if there are three rooms in height, each owner in turn guarantees 3 meals a day; if there are four rooms in height, the owners of the highest and lowest ones together guarantee a day; the following day it is the owners of the middle chambers. [358] [184] The same rules as at Amassa are followed for the respective responsibility of the users in case of collapse or the infiltration of water. The guard is responsible only for thefts committed [685] after a break through the outer gate, not for those that have been made through a breach in the wall. The thief, if he is discovered, repays the amount of the theft and gives a cow that is divided among the owners, taking into account the number of chambers; the same rule is applied against the guard, if he is responsible. The victims of the theft provide 24 coswearers.

343 712 621 423 358 [685] [184] Agadir of Meggount (Fig. 24). -- It belongs to the inhabitants of the village of Meggount (80 hearths). The rules for its operation are the same as at Tajelt Oufella in what concerns poor maintenance and theft.

In all these collective storehouses, if repairs concerning the agadir itself and not only one room become necessary, all the co-owners are jointly liable. They carry out the work in common and, according to the number of shops they occupy, bear the costs caused by this repair, for the purchase of wood, the salary of the workers, or any other expenditure.

Imi n Tanout, 15 March 1928.
Lieutenant Pierre Dupas.

/Page 322 is blank, but precedes an unpaginated folded insert bearing Figs. 13-24./